

REMARKS

In the non-final Office Action, the Examiner rejects claim 1 under 35 U.S.C. § 102(e) as anticipated by FUKUSHIMA et al. (U.S. Patent No. 6,034,964); and allows claims 3-26.

By way of the present amendment, Applicant amends claims 1, 6, 8, and 10 to improve form. Applicant further cancels claim 4 without prejudice or disclaimer. No new matter has been added by way of the present amendment. Claims 1, 3, and 5-26 are pending.

Applicant notes with appreciation the indication that claims 3-26 are allowable over the art of record.

Claim 1 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by FUKUSHIMA et al. Applicant respectfully traverses this rejection.

While not acquiescing in the Examiner's rejection, but merely to expedite prosecution, Applicant amends claim 1 herein to substantially incorporate the subject matter of claim 4, which the Examiner has indicated as containing allowable subject matter. Thus, Applicant respectfully submits that claim 1 is now in condition for immediate allowance.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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